



PTO/SB/30 (08-00)

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<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	<b>Application Number</b>	09/826,070
	<b>Filing Date</b>	April 4, 2001
	<b>First Named Inventor</b>	Jeffrey D. Messerly
	<b>Group Art Unit</b>	3731
	<b>Examiner Name</b>	Bui, Vy Q.
	<b>Attorney Docket Number</b>	END0736

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on  
(any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other - Petition for Extension of Time

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required.)

- b. ☐ Other

3. **Fees** - The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments,  
to Deposit Account No. **10-0750/END736/VEK**.
- i. ☒ RCE fee is required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of Time (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (print/type)	Verne E. Kreger, Jr.	Registration No.	35,231
Signature		Date	August 18, 2005

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Mail Stop Petition, Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on August 18, 2005

Name (print/type)	Verne E. Kreger, Jr.	Date	August 18, 2005
Signature			

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From: Hansen, Linda [EESUS]  
Sent: Tuesday, August 02, 2005 12:57 PM  
To: Sotolongo, Erin [JJCUS]  
Cc: Kreger, Verne [EESUS]; JNJUSPATENT [JJCUS]  
Subject: END736  
Erin

Verne will be filing an RCE in this case, so please do not pay the issue fee, due Aug 13th. Thank you.

**Linda F. Hansen**

Executive Legal Assistant to

*Verne Kreger and Gerry Gressel*

Johnson & Johnson Law Department

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Exhibit A